

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

SANDRA CARDONA,

Case No.: 0:24-cv-61337-AHS

Plaintiff,

v.

NUTRITION FORMULATORS, INC., and
EMPLOYMENT SOLUTIONS NEW
YORK, INC., _____ /

PLAINTIFF'S NOTICE OF DISCOVERY DISPUTE

Plaintiff, SANDRA CARDONA (“Plaintiff”), pursuant to Section II-C of the Court’s Discovery Procedures Order [D.E. 14], hereby files a Notice of Discovery Dispute against Defendant NUTRITION FORMULATORS, INC. (“NFI”) describing the nature of the parties’ discovery dispute, the discovery deadline, the parties’ efforts made to confer, the parties’ dates of availability, and the amount of time needed for hearing.

I. Nature of Discovery Dispute

1. The parties dispute whether NFI must produce Plaintiff’s personnel file as part of their discovery responses.
2. The parties dispute whether Plaintiff must enter into a confidentiality agreement prior to receiving documentation relevant to discovery requests.
3. The parties dispute whether Plaintiff is entitled to conduct the continued deposition of NFI’s Rule 30(b)(6) corporate representative.

II. Discovery Deadline

The case’s discovery deadline was March 28, 2025.

Although the deadline for discovery has passed in this case, the first issue came to light during Defendant NF's corporate representative's deposition on March 18, 2025, where the deponent confirmed Plaintiff maintained a personnel file, contrary to Defendant NF's discovery responses. Plaintiff could not bring this to the Court's attention until she obtained the deposition transcript, which was received from the Court Reporting agency on Friday, March 28, 2025.

The second matter came to light on the final day of discovery because Defendant NF objected to producing documentation on the basis of confidentiality for the first time on March 28, 2025.

Plaintiff's counsel then conferred with opposing counsel to obtain dates for this discovery hearing. Plaintiff brings these disputes to this Court's attention in a good-faith effort, not to delay the litigation or cause undue prejudice to the parties.

III. Efforts to Confer

Prior to the filing of the instant Notice, the parties conferred in an effort to resolve their dispute, but their efforts were unsuccessful.

IV. Dates of Availability

Counsel for all parties are available at any time on either April 7 (all day), April 10 (all day), or April 11 (before 11 A.M. only) of the current year for a hearing regarding this discovery dispute.

V. Time Needed for Hearing

The parties anticipate that they will need sixty (60) minutes for a hearing regarding this discovery dispute.

VI. Certificate of Conferral

I hereby certify that undersigned counsel for the moving party has conferred with all opposing counsel on all issues raised in this Notice of Discovery Dispute and confirmed all opposing counsel's availability on the proposed hearing dates.

Dated this 31st day of March, 2025.

Respectfully submitted,

DEREK SMITH LAW GROUP, PLLC

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document is being served on this 31st day of March, 2025, on all counsel of record on the service list below via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Daniel J. Barroukh
Daniel J. Barroukh, Esq.

SERVICE LIST

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